

May 11 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

SUPREME COURT OF THE STATE OF MONTANA  
Case No. OP 10-0195

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MICHAEL E. ANDERSON, *et al.*,

Plaintiffs/Petitioners,

vs.

THE MONTANA FIRST JUDICIAL  
DISTRICT COURT, *et al.*

Respondents.

FILED

MAY 11 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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BNSF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
ANSWER BRIEF ON PETITION FOR WRIT OF SUPERVISORY  
CONTROL

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Appearances:

Tom L. Lewis  
J. David Slovak  
Mark M. Kovacich  
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On Appeal from the First Judicial District Court, Lewis and Clark County  
The Honorable Dorothy McCarter, Presiding  
District Court Cause No. ADV 2008-101

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Respondents' Designee, BNSF Railway Company, respectfully moves this Court pursuant to Mont. R. App. P. 26(1) for a 30 day extension of time to file the Answer Brief. Rule 26(a)(1) provides that "in all cases except those addressed in section (2) of this rule, a party may move for and be granted one 30-day extension of time in which to file a brief required or allowed to be filed under these rules." The Respondents' Answer Brief by Designee, absent the requested extension, would be due on May 27, 2010. With the requested extension, the brief will be due on or before June 28, 2010.

Pursuant to Mont. R. App. P. 26(1), J. David Slovak, counsel for the Petitioners, was contacted regarding this motion and indicated that Plaintiffs/Petitioners did not object to the requested extension. A proposed order is filed herewith.

Dated this 10 day of May, 2010.

Hedger Friend PLLC

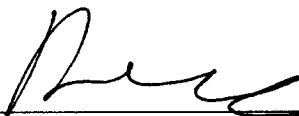
By

  
Dennis Nettiksimmons

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10 day of May, 2010, I mailed a true and correct copy of the above and foregoing ***BNSF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER BRIEF ON PETITION FOR WRIT OF SUPERVISORY CONTROL***, by the United State Postal Services, postage prepaid, addressed to the following counsel of record:

Tom L. Lewis  
J. David Slovak  
Mark M. Kovacich  
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